REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1-12 are pending in this application. Claims 1, 5, and 9 are independent. The remaining claims depend, directly or indirectly, from claims 1, 5, and 9. No new matter has been added by the above amendments.

Attorney Docket Number

Applicant requests that the Attorney Docket No. for this matter be changed from "P6102 US" as indicated on the cover sheet received with this office action to " 03226.554001; P6102".

Objection to the Specification

The specification has been amended in accordance with the Examiner's suggestion on Page 2 of the Office Action. Accordingly, withdrawal of the objection to the specification is respectfully requested.

Rejection(s) under 35 U.S.C § 112

Claims 1-12 stand rejected under 35 U.S.C. § 112, ¶ 2 as indefinite for failing to point out and distinctly claim the subject matter which the applicant regards as the invention. Claims 1-12 have been amended in this reply in accordance with the Examiner's suggestions. Accordingly, withdrawal of this rejection is respectfully requested.

Rejection(s) under 35 U.S.C § 102

Claims 1, 5, and 9 stand rejected under 35 U.S.C. § 102 (b) as anticipated by "Solaris Resource Manager – Controlling System Resources Effectively" (hereinafter "White Paper"). This rejection is respectfully traversed.

For anticipation under 35 U.S.C. § 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present.

The Examiner asserts that White Paper describes assigning a process group to a number of shares associated with a processor set and then allocating resources based on the number of shares (Office Action mailed May 7, 2004); the Applicant respectfully disagrees. First, the Examiner has incorrectly equated process groups with groups of users. The term "process group" corresponds to set a processes executing on the system, where the processes may or may not be related (*see e.g.*, Instant Specification, page 4). In contrast, the term "group of users" corresponds

to a set of users.

Second, the Examiner incorrectly asserts that White Paper teaches allocating system resources using the shares of the processor sets allocated to the process group. As noted above, White Paper fails to teach process groups, thus the Examiner's assertion is incorrect for at least this reason. Moreover, even assuming *arguendo* that White Paper teaches process groups, White Paper fails to teach allocating system resources using *both* process groups and processor sets. Specifically, while White Paper alludes to processors sets (White Paper, page 2) and, separately teaches system resource allocation based on the number of shares assigned to each group of users (White Paper, pages 12-14), there is no teaching or suggestion in White Paper about allocating resources using both process groups and processor sets together.

In particular, the discussion of system resource allocation is focused solely on allocating system resources using shares allocated to groups of users without any mention of processor sets. Further, the brief discussion of processor sets only indicates that processes associated with an application may be bound to a specific processor, without teaching or suggesting how using processors sets might be used in system resource allocation using shares (as described later in White Paper).

In view of the above, White Paper does not support the rejection. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 1-12 stand rejected under 35 U.S.C. § 102 (e) as anticipated by U.S.

Patent No. 6,714,960 ("Bitar"). This rejection is respectfully traversed.

The Examiner asserts that Bitar teaches the invention recited in claims. However, the Applicant respectfully asserts that the Examiner's characterization of the teachings in Bitar is incorrect. Specifically, Bitar is directed towards grouping processors together into virtual multiprocessor (VMP) units and then assigning jobs to on a per VMP unit basis (*see, e.g.,* Bitar Figure 1). Thus, when a process is executing on the system having a number of VMP units requires that a job be performed, the job is placed on a queue associated with a particular VMP unit. The job is then processed using a time share scheduling algorithm (*see* Bitar, col. 4, ll. 1-60).

However, Bitar fails to teach or suggest the following:

i) associating process groups (as opposed to individual jobs) with one or more processor sets;

ii) assigning shares of one or more processor sets to each process group; and

iii) using the number of shares assigned to each process group to allocate resources of the processor sets (*i.e.,* allocating resources using a modified fair share scheduling method as opposed to using a time share scheduling method).

Thus, Bitar does not support the rejection. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 03226.554001).

Respectfully submitted,

Date: 8/9/04

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